

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

U.S. Patent No.: 8,102,457

Inventor: Eric C. Anderson

Application Serial No.: 09/213,131

Application Filing Date: December 15, 1998

Issue Date: January 24, 2012

Confirmation No.: 7384

Art Unit: 2622

Examiner: Aggarwal, Yogesh K.

Title:           METHOD AND APPARATUS FOR CORRECTING ASPECT RATIO IN A  
CAMERA GRAPHICAL USER INTERFACE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF PATENT OWNER'S PETITION UNDER 37 C.F.R.  
§ 1.182 TO REPLACE AN INFORMATION DISCLOSURE STATEMENT (IDS)**

**Background of Filing of HTC's Statement**

At the invitation of the Patentee/Applicant and current Assignee FlashPoint Technology Inc. ("FlashPoint"), the undersigned submits this paper on behalf of third parties HTC Corporation and HTC America (collectively "HTC") in the above captioned matter. Certain confidential materials of HTC, as well as other parties, were improperly filed with the U.S. Patent and Trademark Office as part of an Information Disclosure Statement in connection with the above captioned matter.

HTC's understanding is that FlashPoint has filed a petition under 37 CFR 1.182 the above captioned matter to have this confidential information expunged and removed from the official records by filing a replacement Information Disclosure Statement.

**HTC's Statement**

HTC hereby confirms that documents improperly submitted by FlashPoint as part of the Information Disclosure Statement, labeled "HTC CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER" on each page and bearing the Bates number prefix "HTC\_FP\_ITC" are HTC's confidential business information, and that such HTC's confidential business information is covered by the terms of a protective order issued by an administrative law judge at the U.S. International Trade Commission during a proceeding

entitled *In the Matter of Certain Electronic Imaging Devices*, Inv. No. 337-TA-726. *See* 75 Fed. Reg. 39971 (July 13, 2010).

HTC respectfully requests that FlashPoint's previously-filed petition to expunge and remove this material be granted so that the breach of the confidentiality of HTC materials can be contained or reduced. The continued public disclosure of the confidential HTC materials will be adverse to HTC's competitive business interests.

### **Procedural Basis for Filing of HTC's Statement**

The above captioned matter is an issued patent for which prosecution is closed and there are no ongoing post-grant proceedings. HTC is not a patent owner of the issued patent. At this particular stage of the the above-captioned matter and given the nature of this Statement by HTC, the procedural rules estsablished by the Patent Office do not explicitly provide a procedure for filing this Statement by HTC. For example, the final rules on citation of prior art under 2011 America Invents Act (AIA) issued by the Patent Office in Federal Register Vol. 77, No. 151 on August 6, 2011 are not applicable to this filing. For another example, the rule in 37 CFR 1.97(i) for placing an IDS in a patent file is not applicable here because HTC is not a patent owner or applicant for the issued patent. The undersigned hereby submits this Statement by HTC in connection with FlashPoint's recent petition filing in the above-captioned matter and leaves the treatment of this submission at the discretion of the Patent Office. No fees are believed due for this filing.

Respectfully submitted,

Date: September 19, 2012

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